

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARAZ ALALI,

Plaintiff,

07 Civ. 2916 (CLB)

-against-

**AFFIDAVIT OF DRITA NICAJ
IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

ALBERTO DeBARA, individually,
KYLE WILSON, individually,
EDWARD AUSTIN, individually,
GEORGE MARSHALL, individually,
HUMBERTO MORRELL, individually,
MATTHEW BRADY, individually,
ANTHONY MURPHY, individually,
ROBERT GAZZOLA, individually,
PATRICK J. CARROLL, individually,
and the CITY OF NEW ROCHELLE,
New York,

Defendants.

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DRITA NICAJ, an attorney duly admitted to this Court and the Courts of the State of New York, hereby affirms under penalty of perjury that the following statement is true:

1. I am counsel to Plaintiff and submit this affidavit in opposition to Defendants' motion for summary judgment.

2. Annexed hereto as Exhibit 1 is a copy of an Interdepartmental Communication from Alali to Gazzola dated June 3, 2006.

3. Annexed hereto as Exhibit 2 is a copy of an Interdepartmental Communication from Alali to Gazzola dated February 2, 2007.

4. Annexed hereto as Exhibit 3 is a copy of an Interdepartmental Communication from Alali to Gazzola dated June 22, 2007.

5. Annexed hereto as Exhibit 4 is a copy of an Interdepartmental Communication from Alali to Gazzola dated October 10, 2005.

6. Annexed hereto as Exhibit 5 is a copy of an Interdepartmental Communication from Alali to Gazzola dated March 27, 2007.

7. Annexed hereto as Exhibit 6 is a copy of an Interdepartmental Communication from Gazzola to Alali dated March 21, 2007.

8. Annexed hereto as Exhibit 7 is a copy of an Interdepartmental Communication from Alali to Carroll dated November 14, 2006.

9. Annexed hereto as Exhibit 8 is a copy of an Interdepartmental Communication from Alali to Carroll dated January 11, 2007.

10. Annexed hereto as Exhibit 9 is a copy of an Interdepartmental Communication from Alali to Carroll dated February 16, 2007.

11. Annexed hereto as Exhibit 10 is a copy of an Interdepartmental Communication from Alali to Carroll dated March 7, 2007.

12. Annexed hereto as Exhibit 11 is a copy of an Interdepartmental Communication from Alali to Carroll dated February 18, 2007.

13. Annexed hereto as Exhibit 12 is a copy of an Interdepartmental Communication from Alali to Murphy dated March 8, 2007.

14. Annexed hereto as Exhibit 13 is a copy of a February 12, 2007 EEOC complaint.

15. Annexed hereto as Exhibit 14 is a copy of a February 12, 2007 letter from Jonathan Lovett to Patrick J. Carroll.

16. Annexed hereto as Exhibit 15 is a copy of an Interdepartmental Communication from Alali to Fortunado dated April 20, 2007.

17. Annexed hereto as Exhibit 16 is a copy of an Interdepartmental Communication from Alali to Carroll dated May 30, 2007.

18. Annexed hereto as Exhibit 17 is a copy of an Interdepartmental Communication from Alali to Gazzola dated June 21, 2007.

19. Annexed hereto as Exhibit 18 is a copy of an Interdepartmental Communication from Alali to Fortunato dated June 23, 2007.

20. Annexed hereto as Exhibit 19 is a copy of an Interdepartmental Communication from Alali to Carroll dated July 12, 2007.

21. Annexed hereto as Exhibit 20 is a copy of a handwritten letter from Alali to Carroll dated August 31, 2007 and Interdepartmental Communication from Alali to Fortunato dated August 22, 2007.

22. Annexed hereto as Exhibit 21 is a copy of an August 31, 2007 letter from Carroll to Alali.

23. Annexed hereto as Exhibit 22 is a copy of the Answer in the matter Veras v City of New Rochelle, et al, 07 Civ 11172 (CLB).

24. Annexed hereto as Exhibit 23 is a copy of relevant portions of the City of New Rochelle City Council Agenda dated February 6, 2008.

25. Annexed hereto as Exhibit 24 is a copy of an Interdepartmental Communication from Gazzola to Alali dated March 22, 2007.

26. Annexed hereto as Exhibit 25 are copies of the relevant portions of the June 30, 2008 hearing in the matter of Gazzola v Alali.

27. Annexed hereto as Exhibit 26 are copies of the relevant portions of the November 12, 2007 hearing in Gazzola v Alali.

28. Annexed hereto as Exhibit 27 are copies of the relevant portions of the Plaintiff's deposition of June 25, 2007 in the matter of Alali v Gazzola.

29. Annexed hereto as Exhibit 28 are copies of the relevant portions of the Plaintiff's deposition of July 10, 2007 in the matter of Alali v Gazzola.


30. Annexed hereto as Exhibit 29 are copies of the relevant portions of the Plaintiff's deposition of March 14, 2008 in the matter of Alali v DeBara.

31. Annexed hereto as Exhibit 30 are copies of the relevant portions of the Plaintiff's deposition of April 4, 2008 in the matter of Alali v DeBara.

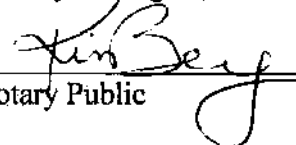
32. For the reasons set forth in Plaintiff's accompanying memorandum of law and Plaintiff's Statement of Material Facts pursuant to Local Rule 56.1, it is submitted that Defendants' motion should in all respects, be denied.

WHEREFORE, an order is respectfully requested denying Defendants motion for summary judgment.

Dated: White Plains, New York
August 13, 2008


Drita Nica

Sworn to before me this
13th day of August, 2008


Notary Public

KIM BERG
Notary Public, State of New York
Qualified in Rockland County
Reg. No. 02BE061682
Commission Expires September 13, 2010